

Remarks

Applicants respectfully request reconsideration of the present application in view of the following remarks. No claims have been amended, cancelled or added. Therefore, claims 1, 3-9, 14 and 16-20 remain pending in the present application.

Claims 1, 3, 14 and 16-19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0064266 to Abdou et al. ("the Abdou reference"). Applicants respectfully traverse this rejection.

Independent claim 1 is directed to a method for forming a fuel cell assembly. The method comprising the steps of: a) forming a fuel cell sub-assembly module containing at least two bonded together fuel cell units, the at least two fuel cell units each including an anode, a cathode, and a membrane electrode assembly; b) testing the sub-assembly module; and c) joining together a plurality of sub-assembly modules to form the fuel cell assembly.

In other words, claim 1 initially provides at least two fuel cell units each including an anode, a cathode, and a membrane electrode assembly. The at least two fuel cell units are then bonded together to provide a fuel cell sub-assembly module. The fuel cell sub-assembly module is then tested. Finally, a plurality of fuel cell sub-assembly modules are joined together to form a fuel cell assembly. Thus, according to claim 1, the testing is done on the fuel cell sub-assembly module (i.e., at least two bonded together fuel cell units) prior to forming the fuel cell assembly.

The Abdou reference does not teach or suggest a method for forming a fuel cell assembly including the steps of forming a fuel cell sub-assembly module containing at least two bonded together fuel cell units and testing the fuel cell sub-

assembly module as recited in claim 1. In the Office Action mailed on March 20, 2007 ("the Office Action"), the Examiner correctly points out that the Abdou reference discloses a fuel cell unit (20) (i.e., a fuel cell cartridge) including an anode (22), a cathode (24), and a membrane electrode assembly (26). *See Office Action*, pg. 2; *Abdou*, ¶ [0046]. However, instead of bonding together the fuel cell units (20) to form a fuel cell sub-assembly module and then testing the fuel cell sub-assembly module as recited in claim 1, the Abdou reference discloses that each individual fuel cell unit (20) is tested prior to being assembled in a stack. In particular, the Abdou reference states that "[t]he manufactured fuel cell cartridges 20 may first be tested as a quality control station along the production line. At this station, a number of test methods and tools may be used to test the quality of the individual fuel cell cartridges." *Abdou*, ¶ [0066] (emphasis added). This particular discussion in the Abdou reference read in conjunction with the following paragraph [0067] indicates that the fuel cell units (20) are individually tested and then are merely stacked one on top of another to form the fuel cell stack (50). Thus, there is nothing in the Abdou reference to indicate that the fuel cell units (20) are ever formed in to sub-assembly modules and tested prior to being assembled into the fuel cell stack (50). The arrangement disclosed in the Abdou suffers from the same drawbacks set forth on page 2, lines 13-20 of the present patent application, which the present invention intends to address.

Since the Abdou reference fails to teach or suggest all of the limitations included in claim 1, Applicants request that the rejection of claim 1 be withdrawn. As claims 3, 18 and 19 depend from claim 1, Applicants request that the rejection of

these claims be withdrawn for at least the same reason that was set forth with respect to claim 1.

Independent claim 14 is directed to a fuel cell assembly comprising a plurality of fuel cells bonded together to form a plurality of fuel cell sub-assembly modules. The plurality of fuel cell sub-assembly modules are bonded together to form the fuel cell assembly, wherein at least one of the fuel cells includes a bipolar plate assembly and a membrane electrode assembly.

For reasons similar to those set forth with respect to claim 1, Applicants submit that the Abdou reference does not teach or suggest a fuel cell assembly including a plurality of fuel cells bonded together to form a plurality of fuel cell sub-assembly modules as recited in claim 14. Moreover, Applicants submit that the Abdou reference does not teach or suggest a fuel cell assembly including a plurality of fuel cell sub-assembly modules bonded together to form the fuel cell assembly as recited in claim 14. As mentioned above with respect to claim 1, the Abdou reference discloses that a plurality of individual fuel cell units (20) are coupled to one another to form a fuel cell stack (50). See *Abdou*, ¶ [0067]. The Examiner has not pointed to anything in the Abdou reference to indicate that fuel cell sub-assembly modules are bonded together to form the fuel cell stack (50). For this additional reason, Applicants submit that the Abdou reference does not teach or suggest all of the limitations included in claim 14.

Applicants therefore request that the rejection of claim 14 be withdrawn. As claims 16 and 17 depend from claim 14, Applicants request that the rejection of

claims 16 and 17 be withdrawn for at least the same reasons that were set forth with respect to claim 14.

Claims 4-9 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Abdou reference in view of U.S. Patent Publication No. 2004/0053100 to Stanley et al. ("the Stanley reference"), U.S. Patent Publication No. 2005/0091838 to Frank et al. ("the Frank reference"), or U.S. Patent No. 6,761,991 to Frisch et al. ("the Frisch reference"). Applicants respectfully traverse this rejection.

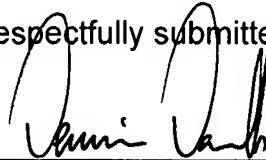
As stated above with respect to claim 1, the Abdou reference does not teach or suggest a method for forming a fuel cell assembly including the steps of forming a fuel cell sub-assembly module containing at least two bonded together fuel cell units and testing the fuel cell sub-assembly module. The Stanley, Frank and Frisch references were introduced for disclosing either a gasketing element or a elastomeric gasket, and do not teach or suggest the limitations that were lacking in the Abdou reference. As such, Applicants submit that the combination of cited references do not teach or suggest all of the limitations included in claim 1. As claims 4-9 and 20 depend either directly or indirectly from claim 1, these claims are not taught or suggested by the references of record for at least the same reason that was set forth with respect to claim 1. It is requested that the rejection of claims 4-9 and 20 be withdrawn.

Conclusion

In light of the foregoing, Applicants submit that claims 1, 3-9, 14 and 16-20 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Applicants do not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

Respectfully submitted,



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